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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Agenda item 16

CONTEMPORARY FORMS OF SLAVERY

Draft resolution submitted by Mr. Al-Khasawneh, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Ul-Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar and Ms. Warzazi

1992/... Contemporary forms of slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Affirming the mandate of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prevent discrimination, to discourage State practices that legitimize discrimination and to reinforce the international legal norm of non-discrimination,

Stressing that the Convention on the Elimination of All Forms of Discrimination against Women was adopted to eliminate discrimination against women in all its forms and manifestations,

Concerned that over 20 of the 107 States parties to that Convention have filed more than 80 substantive reservations with respect to their obligation to implement the Convention,

Concerned also that certain reservations to the Convention, in particular those in relation to the adoption of policies and institutional measures to implement the terms of the Convention (art. 2), political and public life (art. 7), discrimination in the field of employment (art. 11), equality of men and women before the law (art. 15) and marriage and family relations (art. 16), might diminish the international legal norm and legitimize its violation,

Aware that the third meeting of the States parties adopted a resolution expressing concern that these reservations might not be compatible with the object and purpose of the Convention,

Noting resolution 35/3 adopted by the Commission on the Status of Women at its thirty-fifth session, held from 27 February to 8 March 1991, in particular the invitation to the international community contained therein to mark in an appropriate manner the tenth anniversary of the entry into force of the Convention, and the encouragement of all States parties to make every effort to facilitate the implementation of the Convention at the national, regional and interregional levels,

Noting also that the Treaty Section of the Office of Legal Affairs of the United Nations Secretariat has given an opinion 1/ that neither the Secretary-General, as depositary, nor the Committee on the Elimination of Discrimination against Women has the power to determine the compatibility of reservations with the Convention,

Recalling its decision 1991/115 of 29 August 1991 in which it decided to suspend consideration of draft resolution E/CN.4/Sub.2/1991/L.49 recommending to the Commission on Human Rights that it propose to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on the validity and legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women,

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1/ See Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 45 (A/39/45), vol. II, annex III.

Noting that at its seventeenth session the Working Group on Contemporary Forms of Slavery invited the Sub-Commission to take a decision on the question in the light of replies from the Committee on the Elimination of All Forms of Discrimination against Women and the Commission on the Status of Women,

1. Requests the Secretary-General to seek the views of the Committee on the Elimination of All Forms of Discrimination against Women and the Commission on the Status of Women on the desirability of obtaining an advisory opinion on the validity and legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women and to invite them, in their replies, to make such further observations on the issue of reservations to this Convention they may consider appropriate;

2. Also requests the Secretary-General to report the results of the above consultations to the Sub-Commission at its forty-fifth session;

3. Decides to reconsider draft resolution E/CN.4/Sub.2/1991/L.49 at its forty-fifth session in the light of the replies received from the Committee on the Elimination of All Forms of Discrimination against Women and the Commission on the Status of Women.